



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MONDAY, JAN 14<sup>TH</sup>, 2008  
7:00P.M.**

### **OPENING MATTERS**

**CALL TO ORDER**

**INVOCATION:** Rev. Calvin Kurtz, Reading Berks Conference of Churches

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendations:**

Recognizing Hank Magliocchetti for his many years of service to the City of Reading.

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3*

minutes.

*No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.*

**APPROVAL OF AGENDA AND MINUTES**

**2. AGENDA:** Council Meeting of January 14, 2007

**3. MINUTES:** Council Meetings of December 10<sup>th</sup> and 17<sup>th</sup>

**4. CONSENT AGENDA**

**Resolution-** authorizing an amendment to the City's agreement with Mike Gehris, 1501 Luzerne St., Reading, PA that will increase his hourly compensation to \$12.00 per hour for providing contracted printing services. **(Purchasing)**

**Resolution-** authorizing the disposal of purchasing records in accordance with the provisions of the City of Reading Document Retention and Disposition schedule. **(Purchasing)**

**5. ADMINISTRATIVE REPORTS**

**6. FINANCE REPORT**

**7. REPORT FROM OFFICE OF THE AUDITOR**

**8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS**

O. Christopher Miller, Historic Architecture Review Board Chairman

**9. ORDINANCES FOR FINAL PASSAGE**

**Ordinance-** amending the City of Reading Zoning Ordinance to permit Fire Houses by Conditional Use in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts. **(Solicitor/Zoning Administration/Planning)** *Introduced at the 10/22/07 meeting of Council; reintroduced at the 12/17/07 meeting of Council and tabled pending the holding of a public hearing and expiration of comment period.*

**Bill No. 01-** vacating a portion of Wyomissing Avenue between Brookline Streets and Lancaster Avenue. **(Solicitor)** *Introduced at the 12/17/07 meeting of Council; pursuant to 53 PS 37916 was required to lay over for 28 days.*

## **10. INTRODUCTION OF NEW ORDINANCES**

**Ordinance-** authorizing an increase to the Police Pension for those officers retiring before 2000. **(Marmarou, Police Pension Board)**

**Ordinance-** amending the 2008 City of Reading Full-Time Position Ordinance, by eliminating the position of Sergeant and creating the position of Lieutenant in Police Administration. **(Chief Heim)**

**Ordinance-** amending the Codified Ordinances of the City of Reading by adding to Chapter 10, Health and Safety, a Health and Safety Inspection Ordinance, which will require the inspection of all properties within the City of Reading after any sale or transfer of property. **(Codes/Solicitor)** *Replacing Bill No. 85-2007, which was withdrawn at the Administrations request.*

**Ordinance-** authorization for dedication of St. Bernadine Street as a public roadway through Angelica Park to Route 10. **(Solicitor)**

**Ordinance-** amending the City of Reading Codified Ordinances, Chapter 13 - Licenses, Permits and Business Regulations, by adding a new Section 15 entitled Scrap Metal Dealers. **(Council Staff/Deputy Chief Talbot)**

**Ordinance-** amending Chapter 10 Health and Safety, Section 407 Parking Trucks, Trailers and Mobile Homes, by prohibiting the Parking of Trucks, Trailers and Mobile Homes in all areas designated as preservation zones in the City of Reading. **(Council Staff/Police Department)**

**Ordinance-** amending the City of Reading Codified Ordinances Chapter 1 – Administration and Government, Section H Department Organization, Exhibit A – Purchasing Procedures, by adding a new Section 8.0 entitled Protection of Integrity in Government. **(Fuhs)**

## **11. RESOLUTIONS**

**Resolution-** authorizing the Mayor to enter into a Labor Agreement with the AFSCME Local 2763. **(Managing Director)**

**Resolution-** directing the Berks County Tax Claim Bureau not to collect delinquent real estate taxes. **(Solicitor)**

**Resolution-** appointing Marcia Schmehl to the Disruptive Conduct Review Board.  
**(Administrative Oversight Committee)**

**Resolution-** appointing Russell Manbeck to the Disruptive Conduct Review Board.  
**(Administrative Oversight Committee)**

**Resolution-** appointing John Hefferon to the Disruptive Conduct Review Board.  
**(Council Staff/Managing Director)**

**PUBLIC COMMENT – GENERAL MATTERS**  
**COUNCIL BUSINESS / COMMENTS**  
**COUNCIL MEETING SCHEDULE**

*Committee of the Whole- Mon, January 14<sup>th</sup>, Council Office 5:00p.m.*

*Regular Meeting- Mon, January 14<sup>th</sup>, Council Chambers 7:00p.m.*

*Meeting with the Mayor- Wed, January 16<sup>th</sup>, Mayor's Office 4:00p.m.*

*City Hall Closed- Mon, January 21<sup>st</sup>*

*Zoning Public Hearing- Tuesday, January 22<sup>nd</sup>, Council Chambers, 5:00p.m.*

*Public Works Committee Meeting- Tuesday, January 22<sup>nd</sup>, Council Office, 5:30p.m.*

*Public Safety Committee Meeting- Tuesday, January 22<sup>nd</sup>, Council Office, 5:30p.m.*

*Work Session- Tuesday, January 22<sup>nd</sup>, Penn Room, 7:00p.m.*

*Meeting with the Mayor- Wed, January 23<sup>rd</sup>, Mayor's Office, 4:00p.m.*

*Committee of the Whole- Mon, January 28<sup>th</sup>, Council Office 5:00p.m.*

*Regular Meeting- Mon, January 28<sup>th</sup>, Council Chambers 7:00p.m.*



# AGENDA MEMO

## FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** January 14, 2008  
**AGENDA MEMO DATE:** January 7, 2008  
**RECOMMENDED ACTION:** Amendment to Contract for Printing Services

### RECOMMENDATION

The recommendation is to pass a resolution authorizing an amendment to the City's agreement with Mike Gehris, 1501 Luzerne St., Reading, PA that will increase his hourly compensation to \$12.00 per hour for providing contracted printing services.

### BACKGROUND

Michael Gehris has been providing printing services to the City of Reading on a part-time basis since 1986. His last pay increase was implemented in 2000 when his hourly rate was increased to \$9.00. It is requested that his hourly rate be increased to \$12.00. This is based on an increase of approximately 3% for each year of service from the previous pay increase.

Prior to hiring Mr. Gehris, the City had several part-time printers whose level of performance was unacceptable. Mr. Gehris has been a reliable part-time employee for twenty (21) years who provides a more than acceptable product at an extremely discounted rate.

### BUDGETARY IMPACT

It is estimated that Mr. Gehris will work a maximum of nine hundred (900) hours during the year 2008. The 2008 approved Budget has \$10,800 in the Contracted Services account code 01-06-16-4216.

**PREVIOUS ACTION**

None.

**SUBSEQUENT ACTION**

Formal action by Council is needed pass the resolution approving the increase in salary at its January 14, 2008 meeting.

**RECOMMENDED BY**

The Purchasing Coordinator, Finance and Managing Directors and Mayor.

**RECOMMENDED MOTION**

Approve/Deny the resolution approving the rate increase for Michael Gehris for contracted services.

**RESOLUTION NO. \_\_\_\_\_**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:**

That the Mayor is authorized and directed to execute an amendment to the agreement, dated May 8<sup>th</sup>, 2000, between the City of Reading and Michael R. Gehris, by increasing the hourly fee from \$9.00 to \$12.00

Passed Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Council Staff)

**RESOLUTION NO. \_\_\_\_\_**

Whereas, by virtue of Resolution No. 197-88 adopted April 28, 1988, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on February 18, 1994; and

Whereas, in accordance with Act 235 of 1994 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That in accordance with the above-cited schedule, Council authorizes the disposition of the following public records:

Division of Purchasing Bid Files, Tabulations, Purchase Orders, Invoices, and General Correspondences, for the year 2000.

Passed Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk



BILL NO. \_\_\_\_\_

**AN ORDINANCE**

**AMENDING THE TOPOGRAPHICAL MAP OF THE CITY OF READING BY VACATING / ALTERING IN PART EAST WYOMISSING BOULEVARD BETWEEN LANCASTER AVENUE AND BROOKLINE STREET, REVISING, PERMANENTLY, THE TRAFFIC PATTERN AND REGULATIONS OF THE CITY OF READING TO ADD THE RESTRICTION OF ONE-WAY TRAVEL, NORTHBOUND, ON EAST WYOMISSING BOULEVARD FROM / BETWEEN LANCASTER AVENUE AND / TO BROOKLINE STREET AND TO PROHIBIT PARKING BY NON-EMERGENCY VEHICLES ON EAST WYOMISSING BOULEVARD FROM / BETWEEN LANCASTER AVENUE AND / TO BROOKLINE STREET**

**WHEREAS**, 53 P.S. §37916 requires an adoption of an Ordinance of council to vacate a street;

**WHEREAS**, City of Reading Codified Ordinance Section 15-102 requires all permanent traffic regulations occur by Ordinance;

**WHEREAS**, the City of Reading desires to construct a firehouse at 101 Lancaster Avenue;

**WHEREAS**, 101 Lancaster Avenue abuts East Wyomissing Boulevard;

**WHEREAS**, East Wyomissing Boulevard requires alteration thereto between / from Lancaster Avenue and / to Brookline Street to permit construction of a firehouse at 101 Lancaster Avenue;

**WHEREAS**, the Department of Public Works of the City of Reading has recommended the requisite alterations to East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Street to permit construction of a firehouse at 101 Lancaster Avenue;

**WHEREAS**, the City of Reading Planning Commission by Resolution No. \_\_\_\_-\_\_\_\_ adopted \_\_\_\_\_, 2007, recommended that the said alterations be approved;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The topographical map of the City of Reading shall be amended by modifying, narrowing, altering and amending East Wyomissing Boulevard in the City of Reading between Lancaster Avenue and Brookline Street as follows:

East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Street presently sixty-six feet (66') shall be narrowed to forty feet (40') from eastern curb line to new building line creating a distance of twenty-six feet (26') feet between curb lines per design approved by City of Reading Engineer;

**AND**

Travel of traffic on East Wyomissing Boulevard shall be altered to add a one-way direction of travel restriction between / from Lancaster Avenue and / to Brookline Avenue. Said one-way restriction of travel on East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Avenue shall be solely in a north/northwest bound direction.

**AND**

To prohibit parking of all non-emergency vehicles along East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Avenue.

**SECTION 2.** The Director of the Department of Public Works and/or the City Engineer is hereby authorized and directed to enter and record the above-described change in the Topographical Survey Book of Streets in the Department of Public Works. S/he is further directed to take all necessary steps to ensure proper signage of the aforesaid alterations to East Wyomissing Boulevard.

**SECTION 3.** The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

**SECTION 4.** All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

**SECTION 5.** This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2007

**BILL NO. \_\_\_\_\_ 2008  
AN ORDINANCE**

**AN ORDINANCE PROVIDING A COST OF LIVING INCREASE TO POLICE PENSIONERS RETIRING BEFORE 2000.**

**SECTION 1.** Providing a Cost of Living increase for Police Pensioners as approved unanimously by the Police Pension Board at their December 13, 2007 meeting. Increases will be provided as follows:

- Police Pensioners retiring prior to January 1, 1980 will receive a 13.16% increase;
- Police Pensioners retiring between 1/1/1980 and 12/31/1984 will receive a 9.08% increase;
- Police Pensioners retiring between 1/1/1985 and 12/31/1989 will receive a 7.17% increase;
- Police Pensioners retiring between 1/1/1990 and 12/31/1994 will receive a 4.97% increase;
- Police Pensioners retiring between 1/1/1995 and 12/31/1999 will receive a 1.99% increase; and
- Police Pensioners retiring between 1/1/2000 Present will receive a 0.00% increase.

**SECTION 2.** This amendment to the Police Pension Benefits will be retroactive to January 1, 2008.

**SECTION 3.** This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council\_\_\_\_\_, 2008

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President of Council

**B I L L   N O.**\_\_\_\_\_2008

**A N   O R D I N A N C E**

**AN ORDINANCE AMENDING THE 2008 CITY OF READING FULL-TIME POSITION ORDINANCE BY ELIMINATING THE POSITION OF SERGEANT AND CREATING THE POSITION OF LIEUTENANT IN POLICE ADMINISTRATION.**

**SECTION 1.** Eliminating the position of Sergeant and creating the position of Lieutenant in the Police Administration Section of the 2008 Fulltime Position Ordinance.

**SECTION 2.** This amendment to the Full-Time Position Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council\_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

*(Chief of Police)*



## CITY OF READING CITY COUNCIL

### Brief

**Agenda Item:** Scrap Metal Ordinance      **From:** Linda A. Kelleher, City Clerk  
Jen Conway, Intern

**Briefing No.:** 1-2008      **Date:** January 9, 2008

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**SUBJECT:** Scarp Metal Ordinance

**SUMMARY:** Due to the increased number of thefts of motor vehicles, parts of motor vehicles and other types of materials which are valuable for scrap metal, and the practice of the sale of stolen materials as scrap metal, it is necessary to enact a Scrap Metal Ordinance. The continuing problem of theft and sale of stolen property maintains its effect on various public sectors of the City of Reading. This issue was researched by the City Clerk and the ordinance was drafted in consultation with Deputy Police Chief Mark Talbot. Several good examples of such an ordinance were obtained from St. Louis, MO, Memphis, TN, Saginaw, MI and Tillamook County, Oregon. Current City law does not provide for regulations relative to scrap metal dealers. The enactment of a Scrap Metal Ordinance will help to provide a legitimate basis for and regulation of scrap metal sales, in addition to the goal of prevention of illegal activity relative to scrap metal which so greatly affects the Citizens of Reading.

The Scrap Metal Ordinance provides for the following:

- Allows individuals to apply for a scrap metal license to operate a scrap metal facility at a specified location for a non-refundable \$50 fee for each application and renewal of such license. The license shall expire on December 31<sup>st</sup> of the calendar year in which the license was issued.
- Various applicant identity requirements for issuance of a license.
- Approval of application by Codes Enforcement.

- The scrap metal facility is not transferable to another location. Change in ownership requires a new application and new license.
- The revocation or suspension of any license where the Codes Enforcement Office finds the facility to be in violation of the ordinance.
- The maintenance of a separate record book of each retail transaction to be recorded on a form approved by the Chief of Police.
- Every retail transaction must be accompanied by a digital image of the transaction with a date and time stamp.
- All requirements also apply to the purchase or reception of a motor vehicle.
- The Chief of Police or designee to notify a licensee of the suspicion, with probable cause, that an article or material is stolen property.
- No purchase or receipt of a transaction without reasonable verification that the seller is the owner of the article.
- Specified restrictions on articles to be accepted at licensed scrap metal facilities.
- Age limit and protocol for inspection of a scrap metal facility
- Conditions of appeal of license
- Penalties for violation of ordinance

**ATTACHMENTS:** Scrap Metal Dealers Ordinance

**BILL NO. \_\_\_\_\_ 2008**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 13 - LICENSES PERMITS AND BUSINESS REGULATIONS, BY ADDING A NEW SECTION 15 ENTITLED SCRAP METAL DEALERS**

**WHEREAS**, the theft of motor vehicles, motor vehicles, motor vehicle parts and various types of metal material and articles that have value as scrap metal is a significant and growing problem for law enforcement agencies, contractors and builders, utility providers, business owners, homeowners, and the citizens of Reading; and

**WHEREAS**, current regulation of businesses that deal in scrap metal has proven to be ineffective at detecting or preventing this illegal activity at the point at which stolen items are sold as scrap metal; and

**WHEREAS**, there is a need to provide licensing and regulation of scrap metal dealers to help ensure that motor vehicles and metal sold as scrap metal are legitimately owned by the seller and not stolen property and to assist in the recovery of stolen property; now

**THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 13 Licenses, Permits and Business Regulations by adding a new Section 15 entitled Scrap Metal Dealers, as stated in Exhibit A attached.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

## EXHIBIT A

### CHAPTER 13 – SECTION 15 SCRAP METAL DEALERS

**§13-101 Short Title.** This Part shall be known and may be cited as the "City of Reading Scrap Metal Dealer Ordinance.

**§13-102 Definitions.** The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

**Scrap metal facility** shall mean any facility, establishment or place of business that is maintained or operated for the primary purpose of receiving, storing processing, buying or selling scrap metal for remelting or recycling purposes.

**Scrap metal facility licensee or licensee** shall mean any person holding a scrap metal facility license issued pursuant to this chapter and includes any person acting as the license holder's authorized agent or employee.

**Scrap metal** means any scrap article or material composed of iron, steel, or nonferrous metal or metal alloy, including but not limited to copper, brass, bronze, aluminum or stainless steel.

**Motor vehicle** shall have the same meaning as set forth in the Pennsylvania Consolidated Statutes Title 75 – Vehicles.

**Vehicle identification number or derivative thereof** shall mean any number or derivative of such a number that is embossed, engraved, etched or otherwise marked on any vehicle or vehicle part by the manufacturer and can also include a duplicate vehicle identification number replaced upon a vehicle under the authority of the registrar of motor vehicles.

**Retail transaction** shall mean any transaction involving any person other than an industrial or commercial account, a nonprofit account or a government account in which a scrap metal facility purchases or receives scrap metal.

**Industrial or commercial account** shall mean any person operating from a fixed location that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification. The term may include other scrap metal facilities.

**Nonprofit account** shall mean any nonprofit organization that is exempt from a federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501(a) and that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.



**Government account** shall mean any political subdivision as defined in Pennsylvania Consolidated Statutes that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

**§13-103 License Requirement; Expiration.** No person shall operate a scrap metal facility in the City of Reading except under authority of a valid scrap metal facility license issued by the Codes Enforcement Office, in the name of the person operating the facility and for the specific site of the facility. Every license shall expire on December 31<sup>st</sup> of year calendar year following its date of issuance, subject to suspension or revocation pursuant to Section 13-107 of this Chapter. An application for the renewal of a license must be submitted prior to the annual expiration date of the existing license, and operation under authority of the existing license may continue until issuance or denial of the renewal of the license, provided submission of the renewal application is timely.

**§13-104 Application for Scrap Metal Facility Licenses; Fee.**

- A. Application for a scrap metal license is required by §13-103 herein, including the renewal of the license, shall be made in writing and sworn to on a form provided by the Codes Enforcement Office and pursuant to the terms of this Chapter. Each application and renewal shall include a filing fee of fifty dollars (\$50.00) which shall not be refundable, and identify the applicant and the address of the facility to be licensed. The fee shall be waived for any person that is operating a scrap metal facility at that specific site as a 501C3 non-profit organization.
- B. The application for a license to operate a scrap metal facility shall include the following information:
  - 1. A list identifying every individual who will be directly engaged in managing or supervising the daily operations of the facility, and for each individual so identified the following information shall be provided by the applicant.
    - (a) The individual's name, address and social security number;
    - (b) A photocopy of a current and valid driver's license, military identification, or other government issued photo identification card issued to individuals;
    - (c) A set of fingerprints and a certified copy of the individual's criminal history information, including date, time, and place of convictions for all violations except traffic offenses as obtained from any local or state enforcement agency;
  - 2. The applicant's history of any government issued licenses or permits related to the operation of any scrap metal facility, including any currently held by the applicant and any previously issued licenses or permits that

were revoked or suspended within the past the (10) years and the reasons therefore;

3. If the applicant is a business entity that is required to register with the Commonwealth of Pennsylvania Secretary of the State, a copy of a current certificate of good standing issued by that office;
- C. No person shall knowingly make a false license application or procure or seek or procure a license for another.

### **§13-105 Issuance and Display of License.**

A. Subject to the terms of this chapter the Codes Enforcement shall issue a license to an applicant to operate a scrap metal facility at a specified location, unless the service safety director finds any pf the following:

1. A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, including, where available, the name and maker of the article or material and the serial number or other identification number, letters or marks written or inscribed on the article or material;
2. The sellers name and current address;
3. The identification number fro ma current driver's license, military identification, or other government-issued photo identification card issued to the seller;
4. The license plate number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
5. An impression of the right or left thumb of the seller;
  - a. If the licensee uses the electronic reporting method, the following procedures will comply with the requirement for a thumb impression:
    - 1) A fingerprint scanner impression of the thumb print provided in the electronic file wit h the daily reporting titled by name and date
    - 2) A thumb print impression on a receipt signed by the seller, filed by date, and retained for three (3) years, and kept in such a manner as it may be retrieved by law enforcement upon request.
6. The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;
7. A declaration of whether the total amount paid by the licensee for the articles or material purchased or received was five hundred dollars (\$500) or more.

B. Every retail transaction shall be numbered consecutively.

- C. Every retail transaction shall have a digital image taken with the date and time stamp of such quality as approved by the Chief of Police. The tapes or pictures must be maintained for 90 days.
- D. The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's daily report to the Chief of Police or his designee. Delivery of the daily report shall be by means of a secured electronic transmission, a legible facsimile transmission, or the delivery of a paper copy or physical electronic medium containing the report. Licensees submitting a physical electronic medium or data from a computerized tracking system must submit the data in a format approved by the Chief of Police or his designee. Timing of the delivery of the report may be adjusted by a written protocol of the Chief of Police.
- E. The records described in this section shall be retained by the licensee for three (3) years following the date of the retail transaction.
- F. Aluminum cans are exempt from reporting.

#### **§13-106 Transfer of License.**

- A. A scrap metal facility license is not transferable to another location. No person so licensed shall transfer or solicit business at any location other than at the address stated in the license. Any change in location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license.
- B. Any change in ownership or location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license. For purposes of this section, whenever the person to which a license has been issued is a corporation or limited liability company and there is a transfer of the corporation's stock or that limited liability company's membership interests such that, following the transfer, the owner of the majority or plurality of the limited liability company's membership's interests would change, the transfer of stock or membership interests shall be considered a change of ownership.

#### **§13-107. License Suspension or Revocation.**

- A. The Codes Enforcement Office may revoke or suspend a scrap metal facility license where it finds:
  - 1. A section of this chapter was violated upon facility premises;
  - 2. A violation of the **Commonwealth of Pennsylvania Statute**,

**Commonwealth of Pennsylvania Code** or the City of Reading Codified Ordinances was committed upon the facility premises, and was reasonably related to the management, condition or operation of the facility;

3. A material misrepresentation was made upon application for a license;
4. An operator of the facility, or employee or agent of the operator, hindered, obstructed or prevented any inspection of the facility authorized by this chapter.

**B.** Unless a stay order has been issued by a court of competent jurisdiction, a licensee is prohibited from purchasing, receiving or selling any scrap metal articles or material during the time that the licensee's scrap metal facility is revoked or suspended.

### **§13-108. Records of Transactions; Daily Reports to Police**

**A.** All scrap metal facility licenses shall maintain a separate record book or electronic file in which the licensee shall keep an accurate, legible and complete record of all the following specified information for each retail transaction on a form approved by the Chief of Police:

1. A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, including, where available, the name and maker of the article or material, and the serial number or other identification number, letters or marks written or inscribed on the article or material;
2. The seller's name and current address;
3. The identification number from a current and valid driver's license, military identification, or other government-issued photo identification card issued to the seller;
4. The identification number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
5. An impression of the right or left thumb of the seller;
  - a. If the licensee uses the electronic reporting method, the following procedures will comply with the requirement for a thumb impression:
    - 1) A finger print scanner impression of the thumbprint provided in an electronic file with the daily reporting titled by name and date.
    - 2) A thumbprint impression on a receipt signed by the seller, filed by date, and retained for three (3) years, and kept in such a manner as it may be retrieved by law enforcement upon request.

6. The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;
  7. A declaration of whether the total amount paid by the licensee for the articles or material purchased was five hundred dollars (\$500)
- B.** Every retail transaction shall be numbered consecutively.
- C.** Every retail transaction shall have a digital image taken with the date and time stamp of such quality as approved by the Chief of Police. The tapes or pictures must be maintained for a 90 day period.
- D.** The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's daily report to the Chief of Police or his designee. Delivery of the daily report shall be by means of a secured electronic transmission, a legible facsimile transmission, or the delivery of a paper copy or a physical electronic medium containing the report. Licensees submitting a physical electronic or data from a computerized tracking system must submit data in a format approved by the Chief of Police.
- E.** The records described in this section shall be retained by the licensee for three (3) years following the date of the retail transaction.
- F.** Aluminum cans are exempt from reporting.

**§13-109. Additional Requirements for Motor Vehicles and Parts; Exemption.**

- A.** In addition to all the other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle shall also comply with all the following requirements:
1. No motor vehicle shall be purchased or received unless at the time of the transaction the seller has provided both a valid driver's license, military identification, or other government issued identification card issued to the seller bearing a photograph of the seller.
  2. A scrap metal facility that purchases or receives a motor vehicle from the owner described on the certificate of title shall within ten (10) days mark the certificate "TO BE CANCELLED," keep a record of the cancellation, and forward the certificate to the clerk of the court, who shall issue it in accordance with **Section 4738.16(B) of the Ohio Revised Code**. The scrap metal facility shall keep record of the cancellation for three (3) years after creating the record. The record shall include a copy of the certificate.
- B.** In addition to all other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle part bearing a

vehicle identification number or derivative thereof shall also record, as a part of the retail transaction, that part's vehicle identification number or derivative thereof.

C. This chapter shall not apply to any operations person licensed by the State of Pennsylvania as a motor vehicle salvage dealer under the Ohio Revised Code Chapter 4738. Non auto salvage derived scrap operations shall be subject to regulation as a scrap metal facility.

**§13-110. Retention of Articles; Permission of Police For Disposition; Recovery of Stolen Foods by True Owner.**

A. Except as otherwise provided in this section, a scrap metal facility licensee shall retain and all scrap metal articles or material composed of copper, brass, aluminum or stainless steel that have been purchased or received by the licensee in a retail transaction, in the condition the article or material was received, until the expiration of at least seven (7) days after the date of purchase or receipt. This required seven (7) day retention period does not apply to aluminum cans, motor vehicles, scrap metal articles or material other than copper, brass, aluminum or stainless steel, for which the licensee has received written permission for disposition from the Chief of Police or his designee.

B. For any article or material received for which a retention period is required under this section, the licensee shall attach a tag to the article or material in some visible and convenient place that identifies the date and transaction number applicable to that article or material which tag shall remain attached until disposition of the article or material.

C. If the Chief of Police or his designee has probable cause to believe that an article or material is stolen property, he shall notify the licensee in writing. Upon receipt of such notice, the licensee shall retain the article or material until the expiration of thirty (30) days after receipt of the notice, unless the Chief of Police or his designee notifies the licensee in writing that the retention of the article or material is no longer required. Upon expiration of the thirty (30) day period, absent renewal thereof by the Chief of Police or his designee, or the failure if the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

D. If the Chief of Police or his designee receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that it is possession of the licensee, and informs the licensee of the true owner's identity, the licensee shall hold the allegedly stolen property for at least thirty (30) days from the date of notification by the Police Chief or his designee to enable the true owner to pick up that property from the licensee. If the licensee fails or refuses to return the allegedly stolen property that has been held as required by this chapter, the licensee may recover the property from the licensee in an action at law. Upon expiration of the thirty (30) day period, absent renewal thereof by the Police Chief or his designee , or the failure of the

true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

E. If the Chief of Police or his designee determines that there is a need for the investigative purposes to tag and retain certain articles or materials received from a specified person, the chief or his designee, shall notify the licensee in writing in writing of such need and the licensee shall tag and retain said material for three (3) days. Upon expiration of the three (3) day period, absent renewal thereof by the Police Chief or his designee, the scrap article or material may be immediately recycled. This tagging shall occur regardless of whether or not the licensee reported electronically.

F. A scrap metal facility licensee shall be exempt from the retention requirements contained in this chapter provided:

1. The licensee utilizes the automated electronic reporting system approved by the Chief of Police for all retail transactions involving scrap metal for which a retention period would otherwise be required under this section; and
2. All required data fields in the transaction report, as determined by the Chief of Police or his designee are completed and transmitted by the licensee to the approved reporting system; and
3. The licensee takes a digital image with the date and time of such quality as is approved by the Chief of Police. The tapes or pictures must be maintained for a 90 day period showing date and time.

### **§13-111. Purchase of Certain Articles Restricted**

A. No scrap metal facility licensee shall purchase or receive any restricted article in a retail transaction unless at the time of the transaction the seller has received reasonable, reliable, a written documentation verifying that the seller is the owner of the article, or is an employee, agent, or other person authorized to sell the article on behalf of the owner.

B. For purposes of this section, "restricted article" means all of the following: beer kegs; shopping carts; electric or communication cable or wire and their electronic components owned by a public utility, electric or communication company; grave markers, sculptures, plaques and vases, the appearance of which suggest that the articles have been obtained from a cemetery; guard rails for bridges, highways and roads; highway and street signs; street light poles and fixtures; manhole covers, water meter covers and other similar types of utility access covers; traffic directional and control sign and light signals; metal marked with the name of a political subdivision of the state and other articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state; historical markers.

C. No scrap metal facility licensee shall purchase or receive any consumer appliance in a retail transaction unless:

1. At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the consumer appliance, or is an employee, agent or other person authorized to sell the consumer appliance on behalf of the owner; or
2. No more than two (2) consumer appliances are purchased or received per seller per day.

**D.** For purposes of this chapter "consumer appliance" means all of the following: air conditioners, hot water heaters, furnaces, refrigerators, freezers, stoves, clothes washers or dryers.

**E.** No scrap metal facility licensee shall purchase or receive any catalytic converter in a retail transaction unless:

1. At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the catalytic converter, or is an employee, agent, or other person authorized to sell the catalytic converter on behalf of the owner; or
2. No more than one (1) catalytic converter is purchased or received per seller per day.

**§13-112. Purchases Prohibited.** No licensee shall purchase or receive any scrap metal article or material from any person under the age of eighteen (18), or from any person identified in writing to the licensee by the Chief of Police as a known or suspected thief or receiver of stolen property, or from any person failing or refusing to provide to the licensee all the identifying information required from the seller under this chapter. Aluminum cans may be purchased from a minor without identification or reporting.

**§13-113. Authority to Conduct Inspections**

**A.** Upon display of the proper credentials, any law enforcement officer or the designee of the Codes Enforcement Office shall be granted entry to a scrap metal facility at any time the facility is open for business for the purpose of conducting an inspection to ensure compliance with this chapter. For purposes of such inspection, the inspection official shall be granted full access by the licensee to the buildings, grounds, storage areas, vehicles and records of the licensee.

**B.** No person shall deny access to, or in any way impede an inspection of a licensed scrap metal facility, or any portion thereof or fail to cooperate with any party authorized to enforce this chapter and any party authorized to inspect scrap metal facilities as noted herein.

**§13-114. Appeals.** The refusal to issue or renew, and the suspension or revocation of, a scrap metal facility license pursuant to the provisions of this chapter may be appealed to the Berks County Court of Common Pleas.



**§13-115. Severability.** In the event any section or provision of this chapter is declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part to be declared to be invalid or unconstitutional.

**§13-116. Penalties.** Any person violating any section or component of this chapter is guilty of a misdemeanor of the first degree and subject to the cost of prosecution and restitution. Each day that a person continues to violate this chapter shall constitute a separate and complete offense.



## CITY OF READING CITY COUNCIL

### Brief

<b>Agenda Item:</b>	Amendment of Trucks Tractors & RV Ordinance	<b>From:</b>	Linda A. Kelleher City Clerk
<b>Briefing No.:</b>	2-2008	<b>Date:</b>	January 10, 2008

**SUBJECT:** Amendment of Trucks, Tractors and RV Ordinance restricting the ability of trucks, tractors and recreational vehicles to park in areas zoned Preservation.

**SUMMARY:** The current ordinance restricts parking large trucks, trailers and recreational vehicles in areas zoned residential. A zoning designation runs to the midpoint of the street in areas where zoning designations change. Deputy Police Chief Talbot has identified areas of the city where the application of preservation zoning boundaries presents some enforcement problems.

For example, in the 800-900 blocks of North 13<sup>th</sup> Street (reading High property) the west side is zoned R-3 and the east side is zoned preservation, as this property was originally part of the Earl Trust. Therefore in this area our ordinance can only be applied to the western side of the street. This particular preservation zone is the largest preservation zone in the City. It begins at Oak Lane and Bern Street on Mt Penn, continues through Hampden Park and then the Reading High School properties, then it cuts up to North 14<sup>th</sup> Street, where at Walnut it sweeps east to include Mineral Spring Park, Pendora Park, Egleman's Park, etc. and west to include City Park. Another large area includes the boundary between the Neversink preservation zone and the residential area which runs from South 9<sup>th</sup> and South Streets, to Fairview St to the City line.

Currently our ordinance only prohibits parking of large trucks, trailers and recreational vehicles in areas zoned residential. The ordinance can not be enforced the side zoned preservation. Although there has not been a large problem with large vehicles parking in preservation areas, Deputy Chief Talbot and I believe it would be wise to include it in our Trucks, Trailers, RV Ordinance before we receive complaints of these large vehicles parking in City Park or on Oak Lane.

**ATTACHMENTS:** Amendment to Trucks, Tractor and RV Parking Ord.

**BILL NO. \_\_\_\_\_ 2008**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 10 HEALTH AND SAFETY, SECTION 407 PARKING TRUCKS, TRAILERS AND MOBILE HOMES IN THE CODIFIED ORDINANCES OF THE CITY OF READING BY PROHIBITING THE PARKING OF TRUCKS, TRAILERS AND MOBILE HOMES IN ALL AREAS DESIGNATED AS PRESERVATION ZONES IN THE CITY OF READING WHICH WILL FURTHER PROTECT THE QUALITY OF LIFE AND PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF ALL READING CITIZENS**

**WHEREAS**, the City of Reading has seen a substantial increase in complaints regarding the parking and/or storage of oversized vehicles in residential areas throughout the City causing visual blight and public safety concerns such as sight distance from driveways and intersections for pedestrian and vehicular traffic.

**THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending Chapter 10 Health and Safety, Section 407 Parking Trucks, Trailers and Mobile Homes by adding the Preservation Zone to the areas where parking of large trucks, trailers and recreational vehicles is prohibited, as stated in Exhibit A attached.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk  
(*Councilor Marmarou*)

**(Exhibit A)**

**§10-505. Parking Trucks, Trailers and Mobile Homes.**

1. It shall be unlawful for any person to park, or allow to remain parked any vehicles, trucks, trailers, or tractors, whether attached or unattached, with a gross vehicle weight rating (GVWR) of 10,000 lbs. or more and/or higher than 10 feet on all public or private property for more than 1 hour unless the vehicle is involved in the actual delivery or pick up of goods, supplies or merchandise from any building, residence or business in the following zoning districts:

- A. R 1 A, R 1, R 2, R 3 Residential Districts
- B. Residential Outlet Districts - RO
- C. Commercial Residential Districts - CR
- D. Commercial Neighborhood Districts - CN
- E. Residential Professional Office – RPO

**F. Preservation**

2. It shall also be unlawful for anyone to park or allow to remain parked any boats, motor homes, recreational vehicles (RV), camping trailers, trailers of any type or passenger cars with attached boats, homes, camping trailers or trailers of any type on all public property and on private property in plain view from the public right of way in the above zoning districts.

3. Each household may apply to the Department of Police, Traffic Enforcement Office for no more than 2 Temporary Recreational Vehicle Parking Permits in each calendar year unless a special exception is authorized by the Chief of Police for the vehicles restricted in Section 2 listed above. Temporary Recreational Vehicle Parking Permits will provide residents with the ability to prepare these vehicles for personal vacations or uses. These permits may only be used for no more than five days in the direct block where the owner resides. The cost of each Permit shall be \$10.

4. Prior to the issuance of the citation and fine, notification of this law and a warning of the penalties imposed upon violation shall be posted on the vehicle one time or a copy issued to the owner or tenant of the property. Such warning shall be properly recorded in the Police Department, the Codes Enforcement Office and the Parking Authority Office by the issuing enforcement official. If the vehicle is not removed within forty eight (48) hours, the enforcement official shall issue a citation and may consider removing the vehicle, as stated in Part 5 below.

5. Any person who shall violate any provision of this Part shall be cited and fined \$100. If the \$100 fine is not paid within 10 days, the fine shall be automatically increased to \$200. At the discretion of the citing officer, the vehicle(s) located in the public right of way may be subject to tow after the 3<sup>rd</sup> citation in any calendar year.

6. The Department of Police, Codes Enforcement Office and Reading Parking Authority are hereby provided with enforcement authority for this section.

**B I L L   N O . \_\_\_\_\_ -2008**

## **AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 – ADMINISTRATION AND GOVERNMENT, SECTION H DEPARTMENT ORGANIZATION, EXHIBIT A – PURCHASING PROCEDURES, BY ADDING A NEW SECTION 8.0 ENTITLED PROTECTION OF INTEGRITY IN GOVERNMENT AND RENUMBERING ACCORDINGLY.**

**WHEREAS**, large political contributions from those seeking or currently performing business with the City, raise reasonable concerns on the part of taxpayers and residents as to their trust in government contracts; and

**WHEREAS**, it has become common for individuals/entities to make substantial political contributions to persons holding elective City office who are ultimately responsible for awarding professional service contracts which are not subject to public bidding; and

**WHEREAS**, in the interest of good government, the City desires to set maximum amounts that professional business entities may contribute politically beyond which they become ineligible to receive a contract from the City; and

**WHEREAS**, the City governing body has determined that the flow of excess political contributions into the City of Reading from sources located outside the City of Reading could contribute to a corrupting influence on the political process in the City of Reading; and

**WHEREAS**, the governing body of the City of Reading desires to curb process known as wheeling by placing limits on the amounts of political contributions that a candidate for elective City office may receive;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Reading as follows:

### **Section 8.1. Definition of Terms**

The terms listed below shall have the following meanings for purposes of this ordinance:

Professional Business Entity – a “professional business entity” means an individual including the individual’s spouse, if any, and any child living at home; person; firm; corporation; Professional Corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the professional business entity.

## **Section 8.2. Prohibition on Awarding Public Contracts to Certain Contributors**

- (a) To the extent that it is not inconsistent with State or Federal Law, the City of Reading or any of its purchasing agents, departments or instrumentalities of the City thereof, as the case may be, will not enter into any agreement or otherwise contract to procure professional, banking, insurance coverage service or any other consulting services provided by a licensed professional, including those awarded pursuant to any process including a fair and open process, if such professional business entity has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions to (i) any campaign committee of any candidate for elective City office or to the current holders of any elective City office, or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading, or (iv) to any candidate committee, state, or county political party or any Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for elective City of Reading offices, City elections and/or City of Reading political parties in excess of the threshold specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No professional business entity who submits a proposal for; enters into negotiations for or agrees to any contract or agreement including those awarded by a “fair and open process” for the rendition of professional services as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in kind contributions to: (i) any campaign committee of any candidate for elective City office or to the current holder of any elective City office or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading or (iv) to any candidate committee, state or county political party or Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for the City of Reading elective City office, City elections and/or City of Reading political parties

between the time of first communication between that professional business entity and the City regarding a specific professional services agreement and the latter of the termination of negotiation or rejection of any proposal or the completion of the contract or agreement.

- (c) Anyone meeting the definition of “professional business entity” under this section may annually contribute a maximum of \$300 each or up to the amount of reportable contributions as may from time to time be established by State or Federal Law for any purpose to any candidate for elective City office or current office holder, or \$500 to any City of Reading party committee, or municipal party committee within the City of Reading, or to a single or joint campaign account of a candidate committee, state or county political party or PAC referenced in this ordinance without violating subsection (a) of this section. However, any group of individuals meeting the definition of “professional business entity” under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all candidates for elective City offices and to officeholders with ultimate responsibility for the award of the contract, and all City and state political parties, municipal party committees within the City of Reading and PACs referenced in this ordinance combined, without violating subsection (a) of this section.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - (1) The Council of the City of Reading, if the contract requires approval as provided for by the established purchasing policies of the City of Reading.

### **Section 8.3. Contributions Made Prior to the Effective Date**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for elective County office or to any county party committee, municipal party committee, state or City political party, candidate committee or PAC referenced in this ordinance shall be deemed a violation of this section, nor shall an agreement for property of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this ordinance. The disclosure requirements of this ordinance shall not apply to contracts awarded subsequent to the effective date if the Request for Proposal process was initiated prior to the effective date.

### **Section 8.4. Contribution Statement by Professional Business Entity**



- (a) Prior to awarding any contract or agreement to procure services, including but not limited to banking, insurance service or other professional type services, the City or any of its purchasing agents or agencies shall receive a sworn statement from the professional business entity under penalty of perjury that the entity has not made a contribution in violation of section 8.2 of this ordinance. This statement shall be in addition to the disclosure requirements as required by applicable State and Federal law.

The professional business entity under penalty of perjury will make the statement that it has not knowingly made a contribution in violation of the ordinance hereof and has not made or solicited contributions through intermediaries, third parties, immediate relatives, or Political Action Committees for the purpose of concealing the source of the contribution. A professional business entity that files an incorrect Public Disclosure Statement will have its contract with the City of Reading declared null and void and will be disqualified from being awarded any contract for a period of four (4) years.

- (b) Ten days prior to awarding any contract or agreement to procure Professional Services with any professional business entity, including those awarded pursuant a “fair and open process”, the City or its purchasing agent or agencies, as the case may be, shall receive a completed City of Reading Public Disclosure Statement form and provide that for public review at the City Clerk’s office. The City of Reading Public Disclosure Statement shall list all of the political contributions by the professional business entity to any State, City or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of the City of Reading; or of another elective office within the City of Reading; or of a legislative district which includes all or part of the City of Reading; or any continuing political committee for a period of 12 months prior to the contract year being entered into, noting the candidate or campaign committee, the amount and date, and the nature of the contribution.
- (c) The professional business entity shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the City and shall be in addition to any other certifications that may be required by any other provision of law. At a minimum, completion of the Public Disclosure Statement will be an annual requirement of the professional business entity.

## **Section 8.5. Return of Excess Contributions**

A professional business entity may cure a violation of Section 8.2 of this ordinance, if within 30 days after the date on which the applicable ELEC report is published, the professional business entity notifies the City Council in writing that they will be seeking and receiving reimbursement of a contribution from the relevant candidate for elective City office or the office holder, or candidate committee, state or City political party or PAC reference in this ordinance.

### **Section 8.6. Exemption**

The contribution limits specified within this ordinance do not apply to contracts awarded pursuant to a public bid or competitive contract process pursuant to State law or to those contracts awarded as emergency contracts when the public exigency requires the immediate emergency services as determined by resolution of the City Council after finding those facts which support a conclusion of imminent danger to the health and welfare of the City of Reading citizenry.

### **Section 8.7. Penalty**

- (a) It shall be a breach of the terms of the City professional services agreement for a professional business entity to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of any elective City office; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance. The purpose and intent of the aforementioned prohibition is to prevent entities from circumventing the requirements of this ordinance by working or operating with or through third parties.
- (b) Furthermore, any professional business entity who violates Section 8.7(a)(ii-viii) shall be disqualified from eligibility for future City contracts for a period of four calendar years from the date of the violation.
- (c) Any professional business entity who violates section 8.7(a)(i) shall have its contract with the City of Reading declared null and void at the option of

the governing body, unless the violation is cured as provided for in Section 8.5.

#### **Section 8.8. Prohibition Against Candidate Receipt of Certain Contributions**

- (a) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a county committee of a political party, other than the county committee of the county in which the candidate or candidates reside, in excess of \$2,600 per election.
- (b) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution in excess of \$2,600 per election, directly or indirectly, from a county political party committee if such county political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.
- (c) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a state political party in excess of \$2,600 per election.
- (d) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a legislative leadership committee in excess of \$2,600 per election.
- (e) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a continuing political committee or PAC organized under § 527 of the Internal Revenue Code in excess of \$2,600 per election.
- (f) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from another candidate committee, other than from a candidate committee located in at least part of the City of Reading, in excess of \$2,600 per election.
- (g) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a municipal political party committee, other than a municipal political party committee of a municipality located in the City of Reading, in excess of \$2,600 per election.
- (h) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution, in excess of

\$2,600 per election, directly or indirectly, from a municipal political party committee located in the City of Reading, if such municipal political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.

- (i) Any candidate or candidate committee for elective City office in the City of Reading who has taken contribution in excess of those outlined in Section 8.8(a)-(h) of this Ordinance shall be subject to a fine of up to \$500 per violation for a first offense and up to \$500 per violation and/or 30 days in the county jail for a subsequent offense. Enforcement of this ordinance shall be brought by a citizen complaint which may be filed in any court with jurisdiction over the alleged violator.

#### **Section 9.9. Incorporation by Reference**

- (a) The regulatory and penalty provisions of this Ordinance shall be incorporated by reference into all City of Reading contracts for professional services and extraordinary unspecifiable services.

#### **Section 10.9. Severability and Effectiveness Clause:**

- (a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
- (b) Any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

#### **Section 11.9. Effective Date:**

This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

# AGENDA MEMO

## HUMAN RESOURCES DEPARTMENT

**TO:** City Council  
**FROM:** Christine Wheelen, Human Resources Director  
**PREPARED BY:** Christine Wheelen, Human Resources Director  
**MEETING DATE:** 1/14/08  
**AGENDA MEMO DATE:** 1/9/08  
**RECOMMENDED ACTION:** Approve the terms of the collective bargaining agreement between the City and Reading and AFSCME #2763 for the years 2008 – 2011 and authorize the Mayor to execute the same.

**BACKGROUND:** The parties began negotiating in September 2007 and reached a tentative agreement on December 19, 2007. It was ratified by AFSCME local #2763 membership on January 3, 2008.

**BUDGETARY IMPACT:** See attached

**PREVIOUS ACTION:** Terms discussed with Council/Administrative Oversight Committee on January 7, 2008.

**RECOMMENDED BY:** Leon Churchill, Managing Director  
Sandra Hummel, Human Resources Supervisor  
Christine Wheelen, Human Resources Director

**RECOMMENDED MOTION:** Approve

**RESOLUTION NO. \_\_\_\_\_**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:**

That the Mayor is hereby authorized and directed to execute on behalf of the City of Reading, attested to by the City Clerk, a Labor Agreement with the AFSCME Local 2763 in the form and manner attached hereto.

Passed Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Council Staff)

**RESOLUTION NO. \_\_\_\_\_ 2008**

**AUTHORIZING THE SCHEDULING OF A HEARING ON TUESDAY, JANUARY 21, 2001, ADVERTISEMENT OF, AND FORWARDING FOR COMMENT FOR AMENDMENT TO THE ZONING ORDINANCE TO PERMIT FIREHOUSES BY CONDITIONAL USE R-PO (RESIDENTIAL PROFESSIONAL-OFFICE), C-H (COMMERCIAL HIGHWAY), M-C (MANUFACTURING COMMERCIAL) AND H-M (HEAVY MANUFACTURING) ZONING DISTRICTS**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the City Clerk and/or the City Zoning / Planning Division is hereby authorized to perform the following actions as required the Pennsylvania Municipalities Planning Code, 53 PS § 609, for consideration of an Ordinance Amending the City of Reading Zoning Ordinance to permit firehouses by Conditional Use R-PO (RESIDENTIAL PROFESSIONAL-OFFICE), C-H (COMMERCIAL HIGHWAY), M-C (MANUFACTURING COMMERCIAL) AND H-M (HEAVY MANUFACTURING) zoning districts:

1. Schedule a hearing on Tuesday, January 21, 2008 at 7 p.m. in the Penn Room, City Hall;
2. Advertise and provide public notice of the scheduled hearing; and
3. Forward a copy of the proposed Ordinance for the aforesaid Amendment of the City of Reading Zoning Map for comment to the Berks County Planning Commission and City of Reading Planning Commission requesting their comment.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Council Staff)

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:

That Marcia Schmehl is appointed to the Disruptive Conduct Review  
Board, with a term ending January 14<sup>th</sup>, 2009.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk



RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:

That Russell Manbeck is appointed to the Disruptive Conduct  
Review Board, with a term ending January 14<sup>th</sup>, 2010.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:

That John Hefferon is appointed to the Disruptive Conduct Review  
Board, with a term ending January 14<sup>th</sup>, 2011.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk